

GERSTEN SAVAGE LLP

600 LEXINGTON AVENUE
NEW YORK NY 10022-6018
T: 212-752-9700
F: 212-980-5192
INFO@GSKNY.COM
WWW.GSKNY.COM

MEMO ENDORSED

July 25, 2006

VIA HAND DELIVERY

The Honorable Richard Conway Casey
United States District Court Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Merit Capital Group, LLC v. Trio Industries Management, LLC, et al.
Case No. 04 CIV 7690 (RCC)

Dear Judge Casey:

My firm represents plaintiff Merit Capital Group, LLC and third-party defendants Harvey Bloch and Alfred Salazar. With the consent of counsel for Trio and for Robert Gyemant, David Frydman, and with the consent of Evan Daniels, the *pro se* co-defendant, I write to respectfully request an adjournment of the conference currently scheduled before Your Honor on Friday, August 4, 2006. The parties are continuing settlement negotiations and remain hopeful that a settlement will be reached, although discussions have unfortunately taken somewhat longer than we would have preferred due to a variety of circumstances. In the event that a settlement is not reached, we will contact Your Honor and reschedule the conference for a date convenient for the Court in the near future.

Your Honor's attention and consideration of this matter is greatly appreciated.

Respectfully submitted,

David Lackowitz (DAL 8591)

(in part)

cc: David Frydman
via facsimile (212) 355-8988
& regular mail

Evan R. Daniels
via facsimile (214) 705-1582
& regular mail

Application granted. The conference is hereby rescheduled from August 4 to Friday, September 15, 2006 at 10:30 AM (EST). Mr. Daniels may appear by telephone at the next conference. Please inform the Court if a settlement is reached before September 15 so ordered.

Richard Conway Casey
July 31, 2006